

Remarks

Claims 1-28 and 59-61 are pending in this Application. The Examiner is thanked for stating that Claims 1-13, 21-23, and 59-61 are allowed stating that the prior art does not teach or suggest the allowable subject matter. In the Office Action mailed on the date of January 26, 2005, the Examiner:

1. Rejected Claims 14, 15, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Landau et al. in view of Schneider (US Patent No. 6,764,817);
2. Rejected Claims 20, 24-28 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 12 of Jones et al. (US Patent No. 6,329,208);
3. Objected to Claims 16, 17, and 19 for depending upon a rejected base claim.

Applicants respectfully address the basis for each of the Examiner's rejections and objections below.

Claims Rejection – 35 U.S.C. § 103(a) – Claims 14, 15, and 18

In numbered paragraph three, the Examiner rejected Claims 14, 15, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Landau et al. in view of Schneider (US Patent No. 6,764,817). Applicants respectfully submit amended Claims 16, 17 and 19, amended to overcome objections to these claims, as provided in paragraph 10 of this Office Action. Newly added Claims 62 and 63, claims depending from amended Claims 17 and 19, respectfully, are also submitted to further describe the nuclear magnetic resonance profiles. New Claims 62 and 63 are believed necessary to fairly protect the instant invention. No new matter is introduced with these new or amended claims. Amended claims 16, 17, and 19 as well as new Claims 62 and 63 are believed to be distinguishable over the art cited. Accordingly, their entry and allowance is respectfully requested.

Entry and allowance of claim 18, depending from amended Claim 16 and further describing the nuclear magnetic resonance profiles of Claim 16, is also respectfully requested. Applicants have withdrawn Claims 14 and 15.

Double Patenting Rejection – Claims 20, 24-28

In numbered paragraph five, the Examiner rejected Claims 20 and 24-28 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 12 of US Patent No. 6,329,208 to Jones et al. The Examiner states that the claims, while not identical, are considered not be patentably distinct. Applicants hereby submit a completed Terminal Disclaimer to Obviate a Double Patenting Rejection Over a “Prior” Patent to obviate the obviousness-type double patenting rejection over Claim 12 of the “prior” patent considered to be Jones et al. Entry and allowance of the enclosed Terminal Disclaimer with fees is respectfully requested.

Claims Objections –Claims 16, 17 and 19

In numbered paragraph ten of the Office Action, the Examiner objected to Claims 16, 17 and 19 for depending upon a rejected base claim, but stated the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Accordingly, Claims 16, 17 and 19 have been amended to include base Claim 14 as indicated by the Examiner. Entry and allowance of amended Claims 16, 17 and 19 are respectfully requested.

Conclusion

In light of the amendments, remarks and arguments presented above, Applicants respectfully submit that the pending and amended claims are in condition for allowance. Applicants also submit with this Amendment new Claims 62 and 63, believed to define patentably the subject invention over the prior art of record in this Application. Applicants respectfully request entry and allowance of new Claims 62 and 63. Favorable consideration for and allowance of amended Claims 16, 17 and 19, previously presented Claim 18 as well as new Claims 62 and 63 are therefore respectfully requested.

Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent and required fees are also transmitted with this Amendment. It is believed that no additional fees are due. If this is incorrect, the Commissioner is authorized to charge the additional fees, other than the issue fee, that may be required by this paper to Deposit Account No. 07-0153.

If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

Dated: April 26, 2005

Respectfully submitted,

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